

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 12/3/09

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WILLIE BROWN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
----- x

08 Civ. 8804 (AJP)

ORDER

ANDREW J. PECK, United States Magistrate Judge:

The Court is in receipt of Willie Brown's "Notice of Appeal" (attached). The Court construes it as an application for a certificate of appealability and denies same. Petitioner Brown has not made a substantial showing of the denial of a Constitutional right and hence a certificate of appealability will not issue.

The Court grants Brown's "Request to Proceed in Forma Pauperis on Appeal" (Dkt. No. 15).

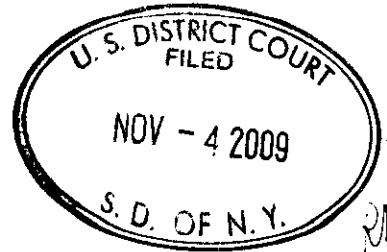
SO ORDERED.

Dated: New York, New York
December 3, 2009



Andrew J. Peck
United States Magistrate Judge

Copies to: Willie Brown (Mail)
Edward Y. Kim, Esq. (Fax)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRO SE OFFICE

WILLIE BROWN

Petitioner,

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

08 Civ. 8804

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- against -

UNITED STATES OF AMERICA,

Respondents

NOTICE OF APPEAL
IN A CIVIL CASE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that Willie Brown

(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment
United States District Court for the Southern District of New York.

(describe the judgment)

Denying Relief Pursuant to FRCVP - 60(b)

entered in this action on the 21th day of October, 2009
(date) (month) (year)

Signature

Willie Brown UCC1-207

Post Office Box 2000
AddressWhite Deer, Pennsylvania (17887)
City, State & Zip Code

DATED: OCT 30, 2009

() -
Telephone Number

NOTE: To take an appeal, this form must be received by the Pro Se Office of the Southern District of New York within thirty (30) days of the date on which the judgment was entered, or sixty (60) days if the United States or an officer or agency of the United States is a party.